

**ZB# 07-21**

**Ernest & Germaine  
Brown**

**77-8-3**

07-21 Ernest + Germaine Brown  
2515 Constitutional Way.  
(Aren) (17-8-3)

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553

*Granted June 25, 2007*

07-21

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 77-8-3

In the Matter of the Application of  
**GERMAINE & ERNEST BROWN**

MEMORANDUM OF  
DECISION GRANTING

AREA

CASE #07-21

**WHEREAS, Ms. Germaine Brown**, owner(s) of 2515 Constitution Way, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 5 ft. Side Yard Setback and; 5 ft. Rear Yard Setback for proposed above-ground pool at 2515 Constitution Way in an R-3 Zone (77-8-3)

**WHEREAS**, a public hearing was held on June 25, 2007 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared on behalf of this Application; and

**WHEREAS**, there were no spectators appearing at the public hearing; and

**WHEREAS**, no one spoke in favor of or in opposition to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a residential property located in a neighborhood of residential properties in an R-3 zone.
  - (b) In constructing the pool, the applicant will not remove any trees or substantial vegetation.

- (c) In building the pool, the applicant will not build on top of nor will it interfere with any easements or rights-of-way including, but not limited to, water, sewer and electrical easements.
- (d) In building the pool, the applicant will not create the ponding or collection of water or divert the flow of water drainage.
- (e) Even if the variance were granted, there would still be 5 ft. from the side yard line and 5 ft. from the rear yard line.
- (f) If the variance was granted, the applicant acknowledges that they will have to comply with all the County and Local Laws and Regulations.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

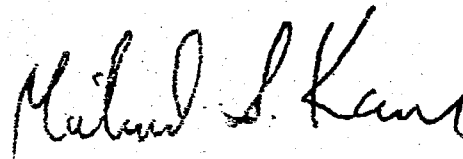
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a Request for 5 ft. Side Yard Setback and; 5 ft. Rear Yard Setback for proposed above-ground pool at 2515 Constitution Way in an R-3 Zone (77-8-3) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: June 25, 2007

A handwritten signature in cursive script, reading "Michael S. Kane", written over a horizontal line.

Chairman

**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

DATE: 5/7/07

APPLICANT: Germaine & Ernest Brown  
2515 Constitution Way  
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 9/15/06

FOR : Ernest & Germaine Brown

LOCATED AT: 2515 Constitution Way

ZONE: R-3      Sec/Blk/ Lot: 77-8-3

DESCRIPTION OF EXISTING SITE: Single Family Dwelling with proposed 15x30 above ground pool

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 300-24 Private swimming pools are permitted subject to the following:

A. Such pool shall not be located in any required yard, and in no case closer than 10ft to any property line. A variance to permit the above ground pool 2ft from the side and rear property lines is required.

  
BUILDING INSPECTOR

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-3      USE: Above ground pool

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:	10ft	5ft	5ft
----------------	------	-----	-----

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:	10ft	5ft	5ft
----------------	------	-----	-----

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

11/27/06.  
Changing to  
above gr. pool  
will bring in  
info

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

IMPORTANT

ALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake. Unless an inspection report is left on the job indicating approval of one of these inspections it has at that point in the work. Any disapproved work must be re-inspected after correction.

me are in place (before pouring.)  
preparing and footing drains.  
id under slab plumbing.  
to and before being covered.

SEP 12 2006

1. Have on hand electrical inspection data and final certified plot plan. Building is to be  
red and engineer's certification letter for septic system required.  
Town Highway Superintendent. A driveway bond may be required.  
inspection today.  
or, to schedule inspection.

10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and permit.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:

Building Permit #: 2006-966

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS  
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises

Germaine & Ernest Brown

Address

2515 Constitution Way

(845)

Phone #

563-0843

Mailing Address

Fax #

Name of Architect

Address

Phone

Name of Contractor

Randy Wilcox

Address

44-R Winsorville Road

Phone

(owner) 4/25/07  
(860) 305-8067



State whether applicant is owner, lessee, agent, architect, engineer or builder \_\_\_\_\_

If applicant is a corporation, signature of duly authorized officer \_\_\_\_\_

(Name and title of corporate officer)

1. On what street is property located? On the S side of Constitution Way  
and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_  
(N, S, E or W)

2. Zone or use district in which premises are situated Residential Is property a flood zone? N ✓

3. Tax Map Description: Section 77 Block 08 Lot 03

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy \_\_\_\_\_

b. Intended use and occupancy Recreation

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other (Fence)

6. Is this a corner lot? NO

7. Dimensions of entire new construction. Front \_\_\_\_\_ Rear ✓ Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories A. Ground Pool

8. If dwelling, number of dwelling units: 1 Number of dwelling units on each floor 15x30

Number of bedrooms 4 Baths 2 Toilets 3 Heating Plant: Gas Yes or No  
Electrical Al yes Hot Water yes If Garage, number of cars 2

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

10. Estimated cost [scribble]

Fee PSD

Ch# 1646

**PAID**

Application for Building Permit  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances  
Building Inspector: Michael J. [scribble]  
date 1/1

date

**APPLICATION FOR BUILDING PERMIT**  
**TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK**  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors: Frank Liel & Louis Kryshear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 563-4818  
(845) 563-4888 FAX

Bldg Insap Examined \_\_\_\_\_  
Fire Insap Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

**INSTRUCTIONS**

- This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and codes and that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

*Germaine Brown*  
(Signature of Applicant)

2515 Constitution Way  
(Address of Applicant)

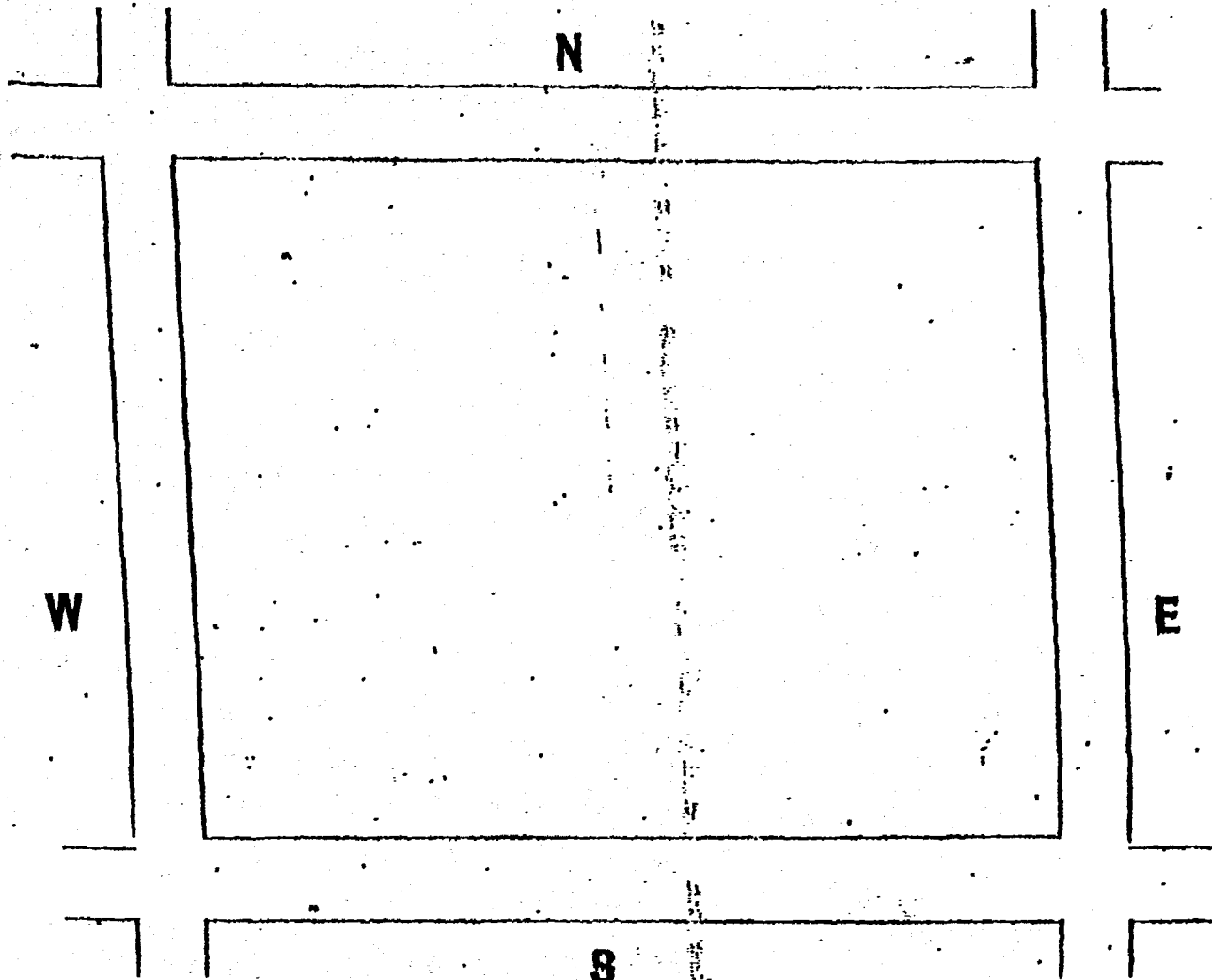
*[Signature]*  
(Owner's Signature)

2515 Constitution Way  
(Owner's Address)

**PLOT PLAN**

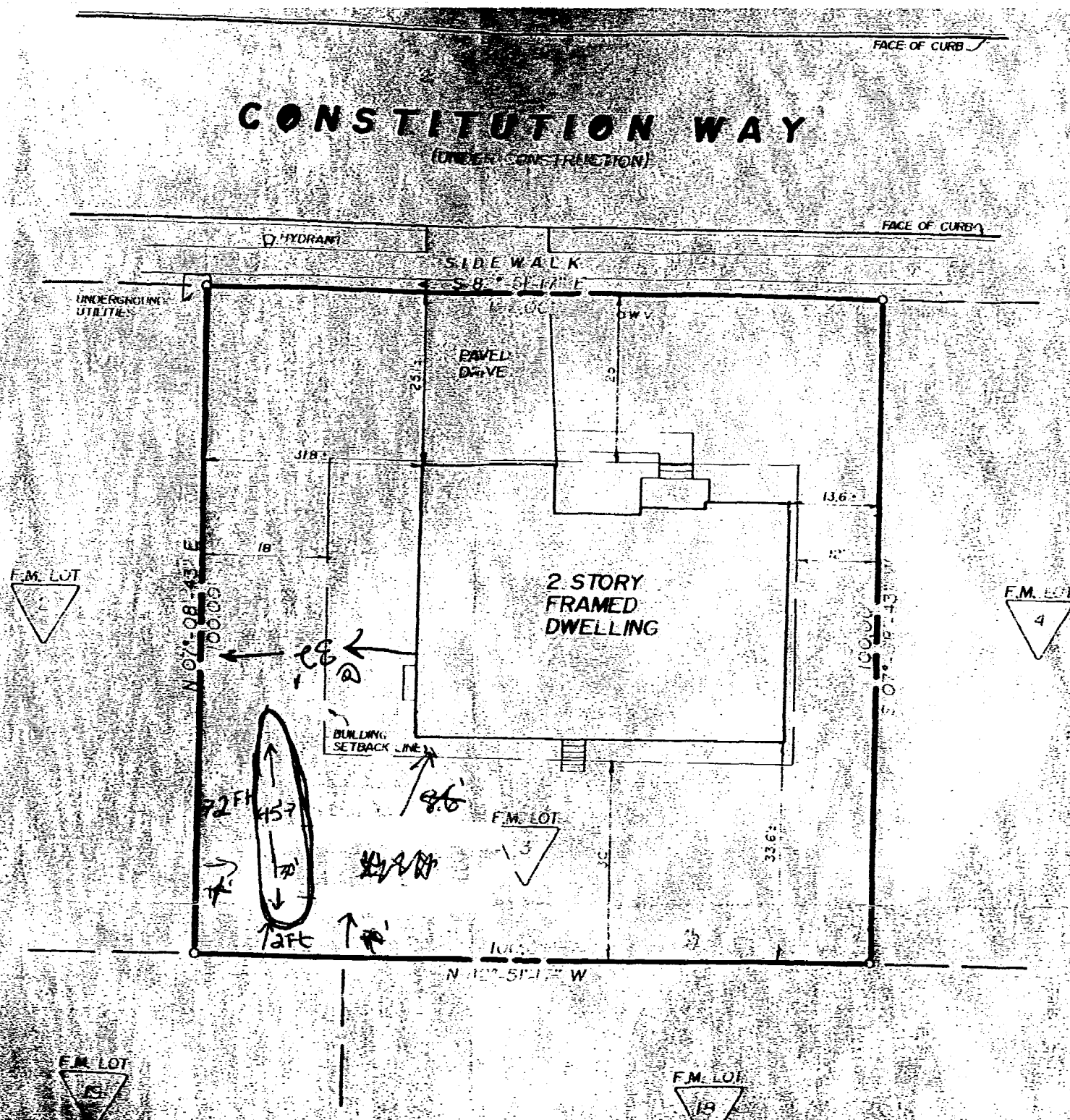
**NOTE:**

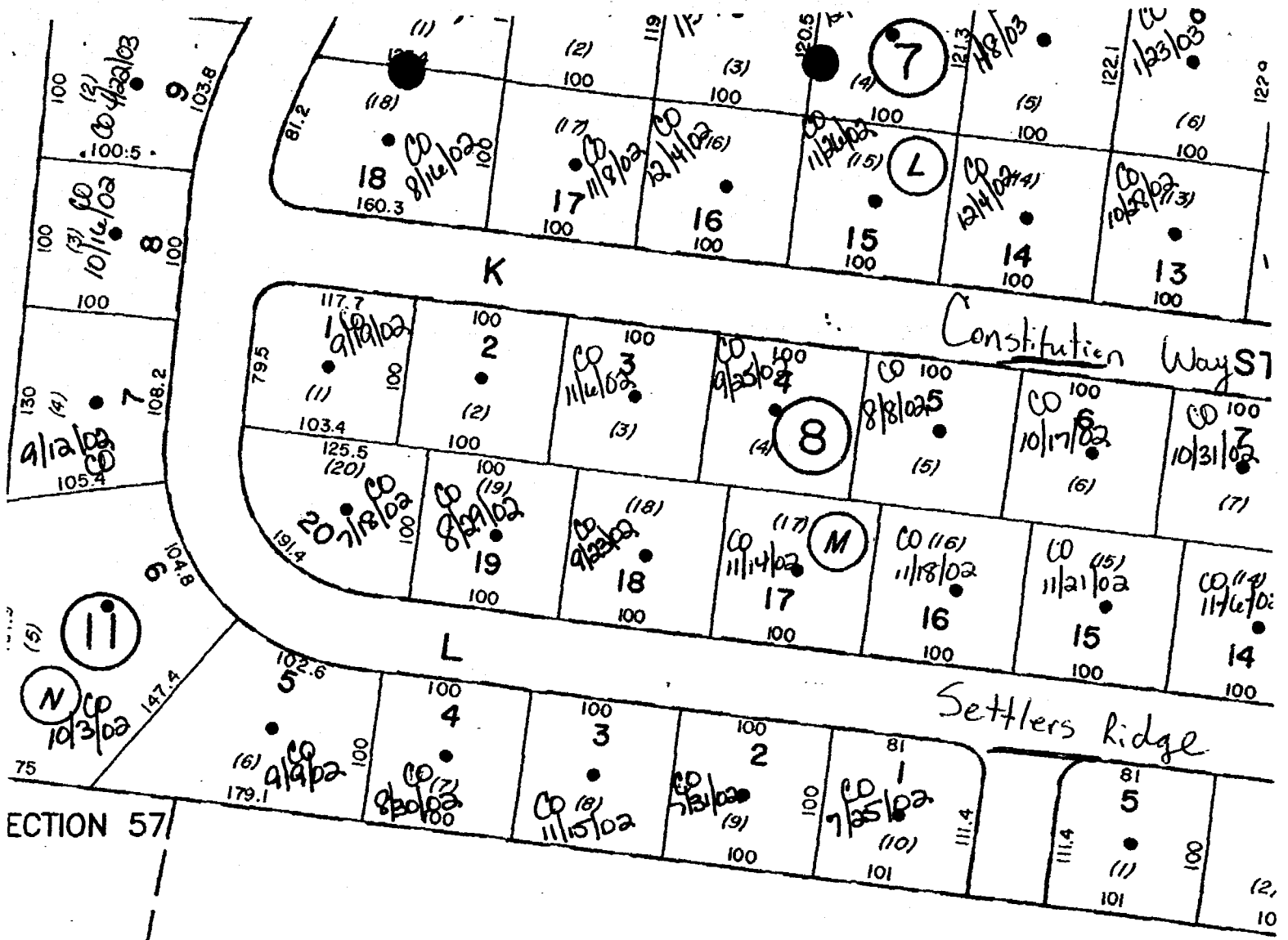
Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



PLEASE ALLOW TIME TO TEN DAYS TO PROCESS  
MAY 2011  
IT FOR ALL NEIGHBORHOODS OF THE CITY

11/27/06





SECTION 65

# LEGEND

TE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO.
TOWN OR VILLAGE	EASEMENT LINE	TAX MAP PARCEL NO.
CK OR SECTION LIMIT	MATCH LINE	AREAS (DEED) 11.1A (CALCULATED) 11
CIAL DISTRICT LINE	WATER FEATURES	DIMENSIONS (DEED) 66 (CALCULATED)
OPERTY LINE	GRID COORDINATE/CENTROID	PORTION OF TAX LOT P/O 1-1-

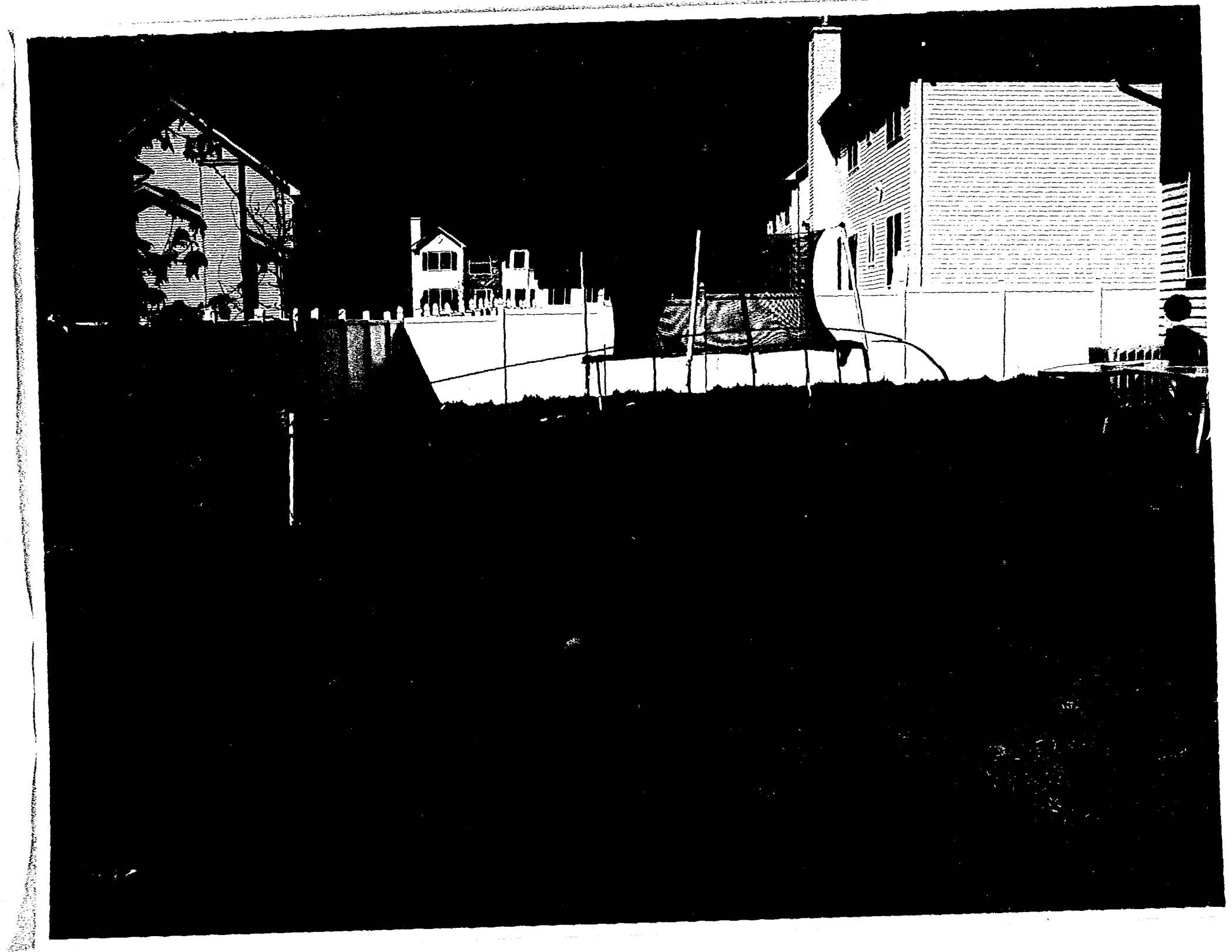


Prepared by  
 Orange County Tax Map Department  
 124 Main Street, Goshen, N.Y. 10924  
 Phone (845)-291-2498 Fax (845)-291-2499

NOT TO BE REPR  
 FOI  
 NOT TO E









**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: JACK FINNEGAN, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: 11/08/07**  
**SUBJECT: ESCROW REFUND**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 160.92 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #07-21**

**NAME & ADDRESS:**

**Ernest & Germaine Brown  
2515 Constitution Way  
New Windsor, NY 12553**

**THANK YOU,**

**MYRA**

**J.F.11/08/07**



**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**  
**RECORD OF CHARGES & PAYMENTS**



FILE #07-21      TYPE: AREA      TELEPHONE: 563-0843

**APPLICANT:**

Ernest & Germaine Brown  
2515 Constitution Way  
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK # <u>222</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:      RESIDENTIAL \$300.00      CHECK # 220



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$7.00 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>5</u>	PAGES	\$ <u>35.00</u>	\$ <u>35.00</u>
2 <sup>ND</sup> PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>3</u>	PAGES	\$ <u>21.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date: 06-25-07      \$ 13.08

TOTAL:	\$ <u>69.08</u>	\$ <u>70.00</u>
--------	-----------------	-----------------



ESCROW POSTED:	\$ 300.00
LESS: DISBURSEMENTS:	\$ <u>139.08</u>

AMOUNT DUE:      \$ \_\_\_\_\_

REFUND DUE:      \$ 160.92

Cc:

J.F. 11/08/07



# THE SENTINEL

P.O. BOX 406  
VAILS GATE, NY 12584

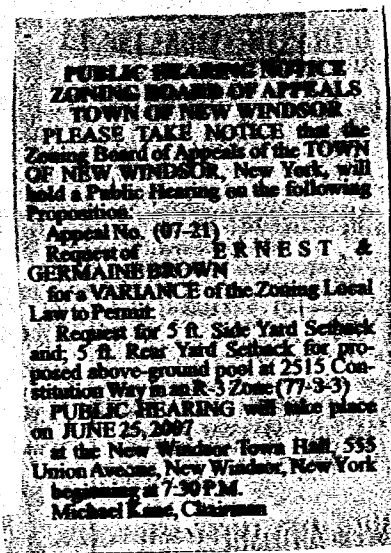
## Invoice

Date	Invoice #
6/25/2007	494

Bill To
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553

P.O. No.	Terms	Project
49757		

Issue Date	Description	Rate	Amount
6/15/2007	LEGAL ADS: APPEAL NO. 07-21 - BROWN	9.08	9.08
	1 AFFIDAVIT	4.00	4.00
		<b>Total</b>	<b>\$13.08</b>



State of New York  
County of Orange, ss:  
Kathleen O'Brien being duly sworn  
disposes and says that she is  
the Supervisor of Legal Dept. of the  
E.W. Smith Publishing Company; Inc.,  
Publisher of The Sentinel, a weekly  
newspaper published and of  
general circulation in the Town of New  
Windsor, Town of Newburgh and City  
of Newburgh and that the notice of which  
the annexed is a true copy was published  
in said newspaper, 1 time (s)  
commencing on  
the 15th day of June A.D., 2007  
and ending on the 15th day of  
June A.D. 2007  
*Kathleen O'Brien*

Subscribed and shown to before me  
this 10<sup>th</sup> day of July, 2007.

*Deborah Green*  
Notary Public of the State of New York  
County of Orange.

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
#4984065  
Commission Expires July 15, 2011

My commission expires \_\_\_\_\_.



RESULTS OF Z.B.A. MEETING OF: June 25, 2007

PROJECT: Hermione Brown ZBA # 07-21

**ZBA #** 07-21

**P.B.#** \_\_\_\_\_

USE VARIANCE:      NEED: EAF \_\_\_\_\_ PROXY \_\_\_\_\_

LEAD AGENCY: M)\_\_\_\_\_S)\_\_\_\_\_ VOTE: A\_\_\_\_\_N\_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y\_\_\_\_N\_\_\_\_

PUBLIC HEARING: M)\_\_\_\_\_ S)\_\_\_\_\_ VOTE: A\_\_\_\_ N\_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

**NEGATIVE DEC:** M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

APPROVED: M)\_\_\_\_S)\_\_\_\_ VOTE: A\_\_\_\_N\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

**ALL VARIANCES - PRELIMINARY APPEARANCE:**

**SCHEDULE PUBLIC HEARING:** M)\_\_\_ S)\_\_\_ VOTE: A\_\_\_ N\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y\_\_\_\_\_ N\_\_\_\_\_

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES ✓  
VARIANCE APPROVED: MOUSE VOTE: A<sup>4</sup> N O.

**VARIANCE APPROVED:** M) 12 S) 1 VOTE: A 4 N 0.

GANN	A
LUNDSTROM	A
LOCEY	A
TORPEY	A
<del>WARR</del>	

**CARRIED: Y ✓ N**

[illegible]

ERNEST & GERMAINE BROWN (07-21)

Ms. Germaine Brown appeared before the board for this proposal.

MS. GANN: Request for 5 foot side yard setback and 5 foot rear yard setback for proposed above-ground pool at 2515 Constitution Way.

MS. BROWN: Germaine Brown, 2515 Constitution Way, New Windsor.

MS. GANN: How are you? Tell us why you're here again.

MS. BROWN: Requesting for a five foot setback from the rear and from the five foot setback from the side fence to install a 15 x 30 oval swimming pool, above-ground swimming pool.

MS. GANN: Will you be taking down any substantial vegetation?

MS. BROWN: No.

MS. GANN: Will it be going over any easements?

MS. BROWN: No, I have nothing there.

MS. GANN: Any drainage problems that it would possibly cause?

MS. BROWN: No.

MS. GANN: I see you have a fence around here already.

MS. BROWN: Yes.

MR. KRIEGER: Even if the variance were granted there would still be five feet from the side and five feet from the rear.

MS. BROWN: Yes.

MR. KRIEGER: And you heard what I said to the last applicant about the state and local laws having to comply with them?

MS. BROWN: Yes, about the self-closing gate and the pool alarm.

MR. KRIEGER: All the laws.

MS. BROWN: Yes.

MR. KRIEGER: That's just one that I know of but whatever they are the variance doesn't excuse any of those.

MS. BROWN: Right, just allows me to place it there.

MR. KRIEGER: It gets you to the beginning.

MS. GANN: Any other questions? I'm sorry, is there anybody here for this public hearing? Seeing that there's not, I'll close the public hearing and ask Myra how many mailings.

MS. MASON: On June 12, I mailed out 61 envelopes and had no response.

MS. GANN: Any other questions from the board? I'll accept a motion.

MR. LUNDSTROM: Madam Chairwoman, I'll offer a motion to grant the requested variance for Ernest and Germaine Brown regarding a five foot required side yard variance and a five foot required rear yard variance as presented on the agenda of the Zoning Board of Appeals June 25, 2007.

June 25, 2007

49

MR. TORPEY: I'll second that.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MS. GANN	AYE



**AFFIDAVIT OF MAILING**

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

In the Matter of the Application for Variance of

ERNEST & GERMAINE BROWN

**AFFIDAVIT OF  
SERVICE  
BY MAIL**

#07-21

X

STATE OF NEW YORK )

) SS:

COUNTY OF ORANGE )

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 131 Mt. Airy Road, New Windsor, NY 12553.

That on the 12TH day of JUNE, 2007, I compared the 61 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason  
Myra L. Mason, Secretary

12<sup>th</sup> day of June, 20 07

J. J. Gallagher  
Notary Public

JENNIFER GALLAGHER  
Notary Public, State of New York  
No. 01GA6050024  
Qualified in Orange County  
Commission Expires 10/30/12



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-3101

## Assessors Office

May 22, 2007

Ernest & Germaine Brown  
2515 Constitution Way  
New Windsor, NY 12553

Re: 77-8-3                      ZBA#: 07-21    (61)

Dear Mr. Brown:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$85.00 minus your deposit of \$25.00.

Please remit the balance of \$60.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO  
Sole Assessor

JTW/rah  
Attachments

CC: Myra Mason, Zoning Board

77-11-10  
ANGELA ROMAN &  
SONIA GUZMAN  
2429 SETTLERS RIDGE  
NEW WINDSOR, NY 12553

17



64-2-38  
JUAN & LUZ RUIZ  
2629 LIBERTY RIDGE  
NEW WINDSOR, NY 12553

77-6-22  
JERI & CHERYL KOCIK  
2616 LIBERTY RIDGE  
NEW WINDSOR, NY 12553

77-7-4  
TODD & KELLY BELANGER  
2619 LIBERTY RIDGE  
NEW WINDSOR, NY 12553

57-1-28  
RICHARD &  
CHRISTINE OSTNER  
82 BETHLEHEM RD  
NEW WINDSOR, NY 12553

77-6-23  
EDWARD & REGINA DAVIS  
2618 LIBERTY RIDGE  
NEW WINDSOR, NY 12553

77-7-5  
MARC VALENTINO &  
COLLEEN GARVEY  
2617 LIBERTY RIDGE  
NEW WINDSOR, NY 12553

77-6-2  
RUDOLPH  
ORietta TROCARD  
2725 COLONIAL DR.  
NEW WINDSOR, NY 12553

77-6-24  
IRINA SIMKNOVICH  
2620 LIBERTY RIDGE  
NEW WINDSOR, NY 12553

77-7-6  
KENNETH &  
ANNETTE MCTIGUE  
2615 LIBERTY RIDGE  
NEW WINDSOR, NY 12553

77-6-3  
ELLIOT GAZTAMBIDE &  
J. RIVERA GAZTAMBIDE  
2723 COLONIAL DR.  
NEW WINDSOR, NY 12553

77-6-25  
JOSEPH &  
VICTORIA PECORARO  
2622 LIBERTY RIDGE  
NEW WINDSOR, NY 12553

77-7-7  
JOHN &  
MARILYN KRESEVIC  
2613 LIBERTY RIDGE  
NEW WINDSOR, NY 12553

77-6-4  
JOSEPH & JODI ANTONACCI  
2721 COLONIAL DR.  
NEW WINDSOR, NY 12553

77-6-26  
MARK MONTE &  
JOCELYN PACATANG  
2624 LIBERTY RIDGE  
NEW WINDSOR, NY 12553

77-7-8  
RICHARD & ROSE MARIE ROSE  
2611 LIBERTY RIDGE  
NEW WINDSOR, NY 12553

77-6-5  
BARRY &  
JOANNE WASHINGTON  
2719 COLONIAL DR.  
NEW WINDSOR, NY 12553

77-6-27  
CHARLES GRADY &  
EMILY SMITH  
2626 LIBERTY RIDGE  
NEW WINDSOR, NY 12553

77-7-11  
SANILDA &  
PATRICE WALLACE  
2504 CONSTITUTION WAY  
NEW WINDSOR, NY 12553

77-6-6  
BRIAN &  
DIANNA MCLEAN  
2717 COLONIAL DR.  
NEW WINDSOR, NY 12553

77-6-28  
ARJUN SINGH  
2628 LIBERTY RIDGE  
NEW WINDSOR, NY 12553

77-7-12  
JIJY & SUSAN JAMES  
2506 CONSTITUTION WAY  
NEW WINDSOR, NY 12553

77-6-7  
HARVEY MATHIS &  
LYDIA ALVAREZ  
2715 COLONIAL DR.  
NEW WINDSOR, NY 12553

77-7-1  
ROBERT & ALMA APONTE  
2625 LIBERTY RIDGE  
NEW WINDSOR, NY 12553

77-7-13  
ROOMA DUA  
2508 CONSTITUTION WAY  
NEW WINDSOR, NY 12553

77-6-8  
MICHAEL &  
MICHELLE THOMAS  
2713 COLONIAL DR.  
NEW WINDSOR, NY 12553

77-7-2  
AMUNATEQUI &  
ANA ROSARIO  
2623 LIBERTY RIDGE  
NEW WINDSOR, NY 12553

77-7-14  
PATRICK MANNION  
2510 CONSTITUTION WAY  
NEW WINDSOR, NY 12553

77-6-21  
FRANCISCO SOTO &  
CYNTHIA DIAZ  
2614 LIBERTY RIDGE  
NEW WINDSOR, NY 12553

77-7-3  
NANCY WEBER  
2621 LIBERTY RIDGE  
NEW WINDSOR, NY 12553

77-7-15  
EARL & LATOYA RATTRAY  
2512 CONSTITUTION WAY  
NEW WINDSOR, NY 12553



77-7-16  
KEITH HOLLOWAY  
2514 CONSTITUTION WAY  
NEW WINDSOR, NY 12553

77-8-9  
DAISY MELENDEZ  
2503 CONSTITUTION WAY  
NEW WINDSOR, NY 12553

77-10-5, 77-12-1  
MT. AIRY ESTATES  
C/O SARNA ENTERPRISES  
15 ENGLE ST. STE. 100  
ENGLEWOOD, NJ 07631

77-7-17  
CHRISTINE &  
KEVIN BRELESKY  
2516 CONSTITUTION WAY  
NEW WINDSOR, NY 12553

77-8-13  
BARNEY & DARLENE BRICE  
2406 SETTLERS RIDGE  
NEW WINDSOR, NY 12553

77-11-1  
RONALD & SABRINA PEAN  
2411 SETTLERS RIDGE  
NEW WINDSOR, NY 12553

77-7-18  
JEFFREY & ANY DUNKO  
2518 CONSTITUTION WAY  
NEW WINDSOR, NY 12553

77-8-14  
BRENT & MELISSA RIDENOUR  
2408 SETTLERS RIDGE  
NEW WINDSOR, NY 12553

77-11-2  
RYAN & KERRY FITZGERALD  
2413 SETTLERS RIDGE  
NEW WINDSOR, NY 12553

77-8-1  
FAUSTO & AWILDA FIENCO  
2519 CONSTITUTION WAY  
NEW WINDSOR, NY 12553

77-8-15  
JASON & GRACE VAZQUEZ  
2410 SETTLERS RIDGE  
NEW WINDSOR, NY 12553

77-11-3  
RICHARD & TAMMY EVANS  
2415 SETTLERS RIDGE  
NEW WINDSOR, NY 12553

77-8-2  
RAGOTHAM &  
FAUSTIN VENKATESH  
2517 CONSTITUTION WAY  
NEW WINDSOR, NY 12553

77-8-16  
MING QIANG WANG &  
ZHAO LIN  
2412 SETTLERS RIDGE  
NEW WINDSOR, NY 12553

77-11-4  
VICTOR REICH &  
LOIS LUGO REICH  
2417 SETTLERS RIDGE  
NEW WINDSOR, NY 12553

77-8-4  
JEFFREY & LORE HANNES  
2513 CONSTITUTION WAY  
NEW WINDSOR, NY 12553

77-8-17  
DASHAWN & DAMARIS JONES  
2414 SETTLERS RIDGE  
NEW WINDSOR, NY 12553

77-11-5  
EROL OZKURAL  
2419 SETTLERS RIDGE  
NEW WINDSOR, NY 12553

77-8-5  
CLEMENTINA IMOBHIO  
168 HILLSIDE AVE  
MT. VERNON, NY 10553

77-8-18  
RONALD YEADON  
2416 SETTLERS RIDGE  
NEW WINDSOR, NY 12553

77-11-6  
LOUELLA GONSALVES  
2421 SETTLERS RIDGE  
NEW WINDSOR, NY 12553

77-8-6  
RODNEY & SOPHIA GOITIA  
2509 CONSTITUTION WAY  
NEW WINDSOR, NY 12553

77-8-19  
BRETT HERZOG  
2418 SETTLERS RIDGE  
NEW WINDSOR, NY 12553

77-11-7  
JOSE RODRIGUEZ &  
SHANTELLA BAILEY  
2423 SETTLERS RIDGE  
NEW WINDSOR, NY 12553

77-8-7  
THOMAS & GINA SMITH  
2507 CONSTITUTION WAY  
NEW WINDSOR, NY 12553

77-8-20  
INEZ COOPER  
2420 SETTLERS RIDGE  
NEW WINDSOR, NY 12553

77-11-8  
SANTOS & JUANA SEPULVEDA  
2425 SETTLERS RIDGE  
NEW WINDSOR, NY 12553

77-8-8  
STEPHAN JACOB &  
MARYSE COLLARD  
2505 CONSTITUTION WAY  
NEW WINDSOR, NY 12553

77-10-4  
JUNIOR & BEVERLY GAYNOR  
2407 SETTLERS RIDGE  
NEW WINDSOR, NY 12553

77-11-9  
NANJAPPA VASUDEVA  
2427 SETTLERS RIDGE  
NEW WINDSOR, NY 12553

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

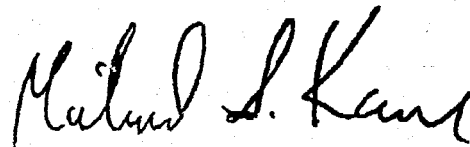
**Appeal No. (07-21)**

**Request of ERNEST & GERMAINE BROWN**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for 5 ft. Side Yard Setback and; 5 ft. Rear Yard Setback for proposed above-ground pool at 2515 Constitution Way in an R-3 Zone (77-8-3)**

**PUBLIC HEARING will take place on JUNE 25, 2007  
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York  
beginning at 7:30 P.M.**

A handwritten signature in black ink, appearing to read "Michael S. Kane", is written over a horizontal line.

**Michael Kane, Chairman**

May 14, 2007

13

ERNEST & GERMAINE BROWN (07-21)

Ms. Germaine Brown appeared before the board for this proposal.

MR. KANE: Request for 8 foot side yard setback and eight foot rear yard setback for proposed above-ground pool at 2515 Constitution Way. How are you?

MS. BROWN: Okay.

MR. KANE: Please state your name and address loud enough for the stenographer to hear it.

MS. BROWN: Germaine Brown.

MR. KANE: Tell us what you want to do.

MS. BROWN: 2515 Constitution Way, New Windsor. What I am looking to do is this is incorrect, we have quarter acre lots there in The Reserves so it's not enough room to put a nice size pool to enjoy it with the children and barbecue and have a little party as well so we come for little variances to try to but I wanted to instead of go 8 feet from the side wall in the rear wall I would like to go between 2 and 4 feet. It's an above-ground pool 15 x 30, that's what I'm asking for.

MS. MASON: Is that what you asked for originally?

MS. BROWN: I asked for two feet on the application, yes.

MR. KANE: We'll make it different, show me, it's going to be an oval pool?

MS. BROWN: It's an oval pool, yes.

MR. KANE: Okay you have the, on the oval pool you have three foot extensions that come out each side?

May 14, 2007

14

MS. BROWN: No, not the pool that I bought.

MR. KANE: You're getting the slim line cause the measurement's to the wall.

MS. BROWN: It goes straight down.

MR. KANE: Can we push that more towards the four or five feet?

MS. BROWN: Definitely, yeah, I said two feet because giving me leverage but I, my husband still brought it in five feet.

MR. KANE: Technically they couldn't be closer than 4 foot to the fence, is that correct, with the pool wall don't they have to have flat property 4 foot all the way around a swimming pool for the wall to act as a fence in New York State?

MR. BABCOCK: Yeah, at least that. What we do is what's the height of the pool?

MS. BROWN: The size?

MR. BABCOCK: The height?

MS. BROWN: It's 54 inches.

MR. BABCOCK: We'd like to see it 54 inches, whatever the height of the pool is that's what we'd like to see, we take a curve at the 54 inch and swing it and it's got to be that far away.

MR. KANE: Okay, so let's round this just say five feet.

MS. BROWN: That's great.



MR. KANE: Work for you?

MR. BABCOCK: Yes.

MR. KANE: That gives us our minimum distances, we comply with the New York State as far as minimum and towns can make it more restrictive, not less so five feet works all the way around.

MS. BROWN: Great.

MR. LUNDSTROM: Are we amending the application?

MR. KANE: Yes, can we amend that?

MS. MASON: We'll have to do the paperwork.

MR. BABCOCK: We'll take care of that.

MR. KANE: So everybody's on the same page that's going to be a, she needs to be 10 foot, Mike, or 12 so she's going to need a 7 foot 12, yeah, her required is 25 feet and then in the back it's 30 feet, I'm sorry, 25 feet was the front for the pool.

MR. BABCOCK: No, the required side yard is 10 feet.

MR. KANE: So keep her at five she's going to need a five foot.

MR. BABCOCK: That's correct.

MR. KANE: She's going to need a five foot side and five foot rear yard variance which actually is less of a variance than what she was asking for on paper. Okay, some of the questions I ask may not seem clear looking at the pictures. Not removing any trees or substantial vegetation?

MS. BROWN: No.

May 14, 2007

16

MR. KANE: Create any water hazards or runoffs?

MS. BROWN: No.

MR. KANE: If it's approved by the board you understand that you have to meet all the requirements for the building department?

MS. BROWN: Yes.

MR. KANE: And there's also did you know there's a new requirement you have to have a pool alarm starting in December? New law in New York State started in December and yeah all pools require an alarm.

MS. BROWN: No, I did not know that.

MR. KANE: Check with your company. Correct, Michael?

MR. BABCOCK: Yes.

MR. KANE: Any further questions?

MR. LUNDSTROM: I assume the pool is going where the trampoline is in the general area?

MS. BROWN: Yes.

MR. KANE: Any easements running there in the area where you're going to put the pool?

MS. BROWN: No.

MR. KANE: Pool itself is similar in size to other pools that are in your neighborhood?

MS. BROWN: Yes.

MR. KANE: I'll accept a motion.

May 14, 2007

17

MS. GANN: I'll offer a motion the we set up Ernest and Germaine Brown for a public hearing for their request of five foot side yard setback and five foot rear yard setback for proposed above-ground pool.

MS. LOCEY: I'll second that motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#360-2007**

05/14/2007

**Brown, Ernest**

Received \$ 50.00 for Zoning Board Fees, on 05/14/2007. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

**Deborah Green**  
Town Clerk

ZBA # 07-21

**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**  
**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 05-10-07

FOR: ESCROW 07-21

FROM:

**Ernest & Germaine Brown**  
**2515 Constitution Way**  
**New Windsor, NY 12553**

CHECK FROM:  
SAME

CHECK NUMBER: 220

TELEPHONE: 563-0843

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

John Fenneg      5/14/07  
NAME                      DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

RESULTS OF ZBA MEETING OF: May 14, 2007

PROJECT: Hermaire Brown ZBA # 07-21

P.B.# \_\_\_\_\_

USE VARIANCE: \_\_\_\_\_ NEED: EAF \_\_\_\_\_ PROXY \_\_\_\_\_

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) 6 S) 10 VOTE: A 5 N 0

\*  
GANN A  
LUNDSTROM A  
LOCEY A  
TORPEY A  
KANE A

CARRIED: Y ✓ N \_\_\_\_\_

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES \_\_\_\_\_

VARIANCE APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

S/B 5' Mide to correct paperwork

**Orange County Department of Planning**  
Application for Mandatory County Review of Local Planning Action  
**(Variances, Zone Changes, Special Permits, Subdivisions)**  
To be completed by Local Board having jurisdiction.  
To be signed by Local Official.

MUNICIPALITY: TOWN OF NEW WINDSOR

TAX MAP ID: 77-8-3  
(Section-Block-Lot)

Local File #: 07-21 (Please refer to this number in review) Project Name: ERNEST BROWN

Applicant: Ernest & Germaine Brown  
2515 Constitution Way  
New Windsor, NY 12553

Send Copy of Letter to Applicant: (check one)

Yes ☐ No ☐

Attorney, Engineer, Architect: N/A

Location of Site: 2515 CONSTITUTION WAY - NEW WINDSOR, NY  
(Street, highway, nearest intersection)

Size of Parcel: \_\_\_\_\_ Existing Lots: XX Proposed Lots/Units: \_\_\_\_\_

Present Zoning District: \_\_\_\_\_

**TYPE OF REVIEW:**

- ☐ Site Plan (SP): \_\_\_\_\_
- ☐ Special Use Permit\* (SUP) \_\_\_\_\_
- ☐ Variance\* USE (UV): DESCRIPTION OF PROJECT: \_\_\_\_\_

AREA (AV): DESCRIPTION OF PROJECT: REQUEST FOR 8 FT. SIDE YARD  
SETBACK AND; 8 FT. REAR YARD SETBACK FOR PROPOSED ABOVE-GROUND  
POOL.

- ☐ Zoning District Change\* From: \_\_\_\_\_ To: \_\_\_\_\_
- ☐ Zoning Amendment To Section: \_\_\_\_\_
- ☐ Subdivision: Major \_\_\_\_\_ Minor \_\_\_\_\_
- ☐ Sketch ☐ Preliminary ☐ Final (Please indicate stage)
- ☐ Other Comments: \_\_\_\_\_

Date: 05-11-07

\_\_\_\_\_  
Myra Mason, Secretary to the ZBA

\* Cite Section of Zoning Regulations where pertinent.

\_\_\_\_\_  
**FOR COUNTY USE ONLY**

County ID# \_\_\_\_\_

GML 239 Referral Guide – 02/27/2007

TOTAL CHARGES:





**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**



**APPLICATION FOR VARIANCE**

May 08, 2007  
Date

Application Type: Use Variance ☐ Area Variance ☐  
Sign Variance ☐ Interpretation ☐

I. **Owner Information:** Phone Number: (845) 563-0843  
Ernest L. & Germaine Brown Fax Number: ( )  
(Name)  
2515 Constitution Way New Windsor, NY 12553  
(Address)

II. **Applicant:** Phone Number: ( )  
(Name) Fax Number: ( )  
(Address)

III. **Forwarding Address, if any, for return of escrow:** Phone Number: ( )  
Fax Number: ( )  
(Name)  
(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number ( )  
Fax Number: ( )  
(Name)  
(Address)

V. **Property Information:**  
Zone: R-3 Property Address in Question: 2515 Constitution Way  
Lot Size: \_\_\_\_\_ Tax Map Number: Section 77 Block 08 Lot 031  
a. What other zones lie within 500 feet? \_\_\_\_\_  
b. Is pending sale or lease subject to ZBA approval of this Application? NO  
c. When was property purchased by present owner? 08/2005  
d. Has property been subdivided previously? NO If so, When: \_\_\_\_\_  
e. Has an Order to Remedy Violation been issued against the property by the  
Building/Zoning/Fire Inspector? NO  
f. Is there any outside storage at the property now or is any proposed? yes (Shed)

\*\*\*\*PLEASE NOTE:\*\*\*\*

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**VIII. AREA VARIANCE: (This information will be on your Building Department Disapproval form you receive)**

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.	10	2	8
Reqd. Rear Yd.	10	2	8
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

\*Residential Districts Only

\*\*Non-Residential Districts Only

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**COMPLETE THIS PAGE ☐**

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

The area has small lots only .25 acres. The yard space doesn't really accommodate a pool. The variance is the only way the children and I can enjoy a pool and have space for a barbaque.

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**COMPLETE THIS PAGE ☐**

**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
- 
- 

**XIII. ATTACHMENTS REQUIRED:**

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
  - ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
  - ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
  - ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of area that variance(s) is/are being requested for showing relationship to property lines (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

**XIV. AFFIDAVIT.**

STATE OF NEW YORK)

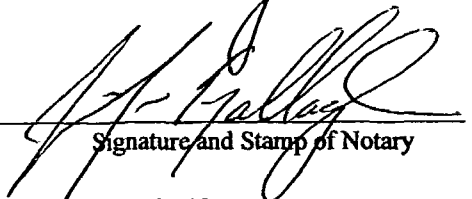
) SS.:

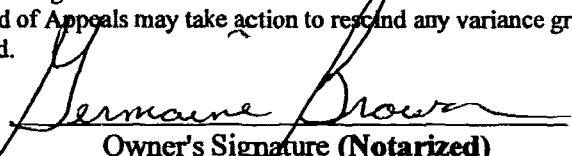
COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

8<sup>th</sup> day of May 2007.

  
Signature and Stamp of Notary

  
Owner's Signature (Notarized)

Germaine Brown  
Notary Public, State of New York  
No. 01GA6050024  
Qualified in Orange County  
Commission Expires 10/30/10  
Applicant's Signature (If not Owner)

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**COMPLETE THIS PAGE ☐**

PROJECT I.D. NUMBER

617.21

SEQR

## Appendix C

State Environmental Quality Review

## SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

## PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <u>Germaine Brown</u>	2. PROJECT NAME
3. PROJECT LOCATION: Municipality _____ County _____	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>2515 Constitution Way</u> <u>New Windsor, N.Y. 12553</u>	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>Install above ground pool 2 feet off rear &amp; side fence line.</u>	
7. AMOUNT OF LAND AFFECTED: Initially <u>.25</u> acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>Germaine Brown</u>	Date: <u>5/8/07</u>
Signature: <u>Germaine Brown</u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? <input type="checkbox"/> Yes <input type="checkbox"/> No		If yes, coordinate the review process and use the FULL EAF.
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.87 <input type="checkbox"/> Yes <input type="checkbox"/> No		If No, a negative declaration may be superseded by another involved agency.
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)		
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:		
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:		
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:		
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:		
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:		
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:		
C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:		
D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly		

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

- ☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- ☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

\_\_\_\_\_  
Name of Lead Agency

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (If different from responsible officer)

5/8/07  
\_\_\_\_\_  
Date



6/11/1 agenda

**TOWN OF NEW WINDSOR**  
555 UNION AVENUE  
NEW WINDSOR, NY 12553  
(845) 563-4615 (MYRA MASON)



**ZONING BOARD PROCEDURES**

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "**THE TOWN OF NEW WINDSOR**" AS FOLLOWS:

**RESIDENTIAL: (Three Separate Checks Please)**

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**MULTI-FAMILY: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**COMMERCIAL: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**INTERPRETATION: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST (PRELIMINARY) MEETING.

\*

**ESCROW**

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

\*\*

**LIST OF PROPERTY OWNERS  
WITHIN 500 FT. RADIUS OF  
PROPERTY IN QUESTION:**

**APPROXIMATE COST FOR  
PUBLIC HEARING LIST:**

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES  
IS \$1.00 EA. ADDITIONAL  
NAME

## **PUBLIC HEARING LIST OF PROPERTY OWNERS**

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE). BRING ENOUGH ENVELOPES PREPARED WITH **YOUR** RETURN ADDRESS AND A REGULAR \$.39 STAMP WITH YOU....**YOUR PUBLIC HEARING DATE WILL BE SET AT THIS TIME.**
3. WHEN YOU COME IN TO PICK UP YOUR LIST, **ALLOW YOURSELF ENOUGH TIME TO FINISH PREPARING THE MAILINGS HERE AT THE TOWN HALL.** YOU WILL BE GIVEN ENOUGH **"NOTICES OF PUBLIC HEARING"** TO PUT ONE IN EACH ENVELOPE AND SEAL IT. (It may be easier for you if you bring self-sealing envelopes.)
4. **BRING THE COMPLETED ENVELOPES TO THE ZONING BOARD SECRETARY FOR MAILING. BY DOING IT THIS WAY, WE AVOID HAVING TO SEND EACH ENVELOPE "CERTIFIED MAIL" WHICH IS VERY COSTLY.**

**NOTE:**

THE ZBA MEETS ON THE 2<sup>ND</sup> AND 4<sup>TH</sup> MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.





# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689

## ZONING BOARD OF APPEALS

TO ALL ZONING BOARD OF APPEALS APPLICANTS:

Please note the attached letter from Orange County Department of Planning asking that referrals be made to their office for review.

Due to this request, your application will be sent to Orange County Department of Planning for review. We are hoping to do this in a way that does not add to the time it normally takes to seek a variance.

Thank you for your cooperation in this matter.

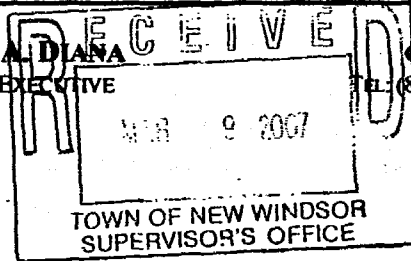
ZONING BOARD OF APPEALS

Please Read



**COUNTY OF ORANGE****DEPARTMENT OF PLANNING**

EDWARD A. DIANA  
COUNTY EXECUTIVE



124 MAIN STREET  
GOSHEN, NEW YORK 10924-2124  
TEL: (845)291-2318 FAX: (845)291-2533

DAVID CHURCH, A.I.C.P.  
COMMISSIONER

5 March, 2007

**POLICY REMINDER****REFERRAL OF CERTAIN MUNICIPAL PERMITS AND ACTIONS**

to COUNTY PLANNING as per NYS GENERAL MUNICIPAL LAW §239 L, M & N

**NEW POLICY GUIDEBOOK ATTACHED**

As an essential part of Orange County's renewed interest and involvement in planning and development policy, the Planning Department continues to gain staff capability and expertise. The Orange County Planning Department reviews all projects that meet the requirements of Section 239 of the NYS General Municipal Law (GML §239) for County referrals. Please be sure that your municipality is sending the required applications that come under the provisions of GML § 239. Keep in mind that if there is a project that falls under the non-mandatory review requirement, we will be glad to review it upon request of a municipal official.

**A new guidebook is attached detailing the NYS GML §239 referral process here in Orange County. Additional copies of this guidebook can be downloaded at [www.orangecountygov.com/planning](http://www.orangecountygov.com/planning).**

As a refresher, prior to making a decision on certain permits or actions, GML § 239 requires that you send to County Planning a copy of the complete application for the following "proposed actions" that are within 500 feet of the properties or thresholds listed in the statute (GML § 239-m (3)):

1. The adoption of a municipal comprehensive plan, zoning ordinance or law, or an amendment to either one;
2. The granting of a use or area variance;
3. The issuance of special use permits;
4. Site plans for residential uses;
5. Site plans for non-residential uses;
6. Subdivisions plats;
7. Other authorizations which a referring body may issue under the provisions of any zoning ordinance or local law.

Proposed "actions" must be referred to County Planning prior to your decision if they apply to real property within five hundred (500) feet of the following:

1. The boundary of any city, village or town;
2. The boundary of any existing or proposed county or state park or any other recreation area;

